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VICKI CAPRIO and DUANE A. BARBAROTTO
as decedent Nicholas Barbarotto's Successors in Interest

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF CALIFORNIA**

NICHOLAS J.BARBAROTTO,individually
and as Trustee of the NICHOLAS
J.BARBAROTTO Revocable Living Trust
Agreement dated November 2, 2005,

Plaintiffs,

vs.

HARTFORD LIFE INSURANCE
COMPANYa corporation doing business as
THE HARTFORD and HARTFORD LIFE
AND ACCIDENT INSURANCE COMPANY
and Does 1 through 20, inclusive,

Defendants.

Case No.: C 06-1278 CW

**NOTICE OF MOTION AND MOTION
FOR RELIEF
Civ. P. 60 (b)**

Judge: Claudia Wilken
Date: June 5, 2008
Time: 2:00 p.m.
Ctroom: 2, 4th Floor

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 5, 2008 at 2:00 p.m., in Courtroom 2, located on the fourth floor of the above entitled court located at 1301 Clay Street, Oakland, California, the motion of

Plaintiffs Vicky Caprio and Duane Barbarotto for Relief , will come on hearing before the honorable Claudia Wilken.

Relief Sought

Vicky Caprio and Duane Barbarotto as Plaintiff Nicholas Barbarotto's successors in interest, move this court, pursuant to Rule 60(b) (4) for an order voiding the judgment entered in this action on October 19, 2006.

Grounds for Motion

Vicky Caprio and Duane Barbarotto should be granted relief from the judgment in this matter because Plaintiff Nicholas Barbarotto died before this action was filed hence the action and the resulting judgment are void.

Supporting Papers

This motion is based on this document, the attached Notice of Motion, Certificate of Service, the Declaration of Matthew D. Brekhus, the Supporting Memorandum of Points and Authorities, all of the pleadings, papers, and other records on file in this action, and whatever argument and evidence may be heard at any hearing on this motion.

Dated: April 25, 2008

_____/S/
MATTHEW BREKHUS